AIR QUALITY PERMIT

Issued To: NUPAC, a division of
Helena Sand & Gravel
P.O. Box 8150
Kalispell, MT 59904-1150

Permit #1125-03
Administrative Amendment (AA) Request Received: 03/01/04
Department Decision on AA: 03/16/04
Permit Final: 04/01/04
AFS #029-0016

An air quality permit, with conditions, is hereby granted to NUPAC a division of Helena Sand & Gravel (NUPAC) pursuant to Section 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq*., as amended, for the following:

Section I: Permitted Facilities

A. Location

NUPAC operates a stationary 1967 Stansteel asphalt plant and associated equipment. The site location is 2355 Highway 93 North at the SW¼ of the NW¼ of Section 31, Township 29 North, Range 21 West, Flathead County, Montana. A complete list of permitted equipment is contained in Section I.A of the permit analysis.

B. Current Permit Action

On March 3, 2004, the Department of Environmental Quality (Department) received a letter from Aspen Consulting & Engineering, Inc., on behalf of Pack and Company and NUPAC requesting the Department change the corporate name on Permit #1125-02 from Pack and Company to NUPAC. The current permitting action changes the name from Pack and Company to NUPAC and updates the permit to reflect current permit language and rule references used by the Department.

Section II: Limitations and Conditions

A. Emission Limitations

1. Asphalt plant particulate matter emissions shall be limited to 0.10 gr/dscf (ARM 17.8.749).

2. NUPAC shall not cause or authorize to be discharged into the atmosphere, from the asphalt plant, stack emissions that exhibit 20% opacity or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).

3. NUPAC shall not cause or authorize to be discharged into the atmosphere from systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; or the loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and ARM 17.8.752).

4. NUPAC shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control visible fugitive emissions of airborne particulate matter that exhibit an opacity of 5% or greater (RACT).

5. NUPAC shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.4 (ARM 17.8.749).

6. A wet scrubber for air pollution control, with a device to measure the pressure drop (magnehelic gauge, manometer, etc.), must be installed and maintained. Pressure drop must be measured in inches of water. Temperature indicators at the control device inlet and outlet must be installed and maintained. Pressure drop on the control device and temperature must be recorded daily and kept on site according to Section II.C.1 (ARM 17.8.749).

7. Once a stack test is performed, the asphalt plant production rate shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749).

8. The total plant production shall be limited to 321,000 tons during any rolling 12-month time period (ARM 17.8.749).

9. If the permitted equipment is used in conjunction with any other equipment owned or operated by NUPAC, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).

B. Emission Testing

1. EPA Methods 1-5 and 9 source tests must be performed on the asphalt plant every 4 years after the initial source test, or according to another testing/monitoring schedule as may be approved by the Department, to demonstrate compliance with the conditions specified in Section II.A.1 and II.A.2 (ARM 17.8.105 and ARM 17.8.749).

2. Pressure drop and temperature must be recorded during the test and reported as part of the test results specified in Section II.C.1 (ARM 17.8.749).

3. All source tests must be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).

4. Since asphalt production will be limited to the average production rate during the test, it is suggested that the test be performed at the highest production rate practical. NUPAC may retest at any time in order to test at a higher production rate (ARM 17.8.749).

5. The Department may require further testing (ARM 17.8.105).

C. Reporting Requirements

1. NUPAC shall maintain on-site records showing daily hours of operation, daily production rates, and daily pressure drop and temperature readings for the last 12 months. The records compiled in accordance with this permit shall be maintained by NUPAC as a permanent business record for at least 5 years following the date of the measurement, must be available at the plant site for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.749).

2. NUPAC shall document, by month, the asphalt production from the facility. By the 25th day of each month, NUPAC shall total the asphalt production of the facility during the previous 12 months to verify compliance with the limitation in Section II.A.8. A written report of the compliance verification shall be submitted along with the annual emissions inventory (ARM 17.8.749).

3. NUPAC shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

   Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in the units required by the Department. This information may be used to calculate operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

4. NUPAC shall notify the Department of any construction or improvement project conducted pursuant to ARM 17.8.745, that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted to the Department, in writing, 10 days prior to start up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d) (ARM 17.8.745).

5. NUPAC shall annually certify that its emissions are less than those that would require the facility to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted along with the annual emissions inventory information.

Section III: General Conditions

A. Inspection – NUPAC shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.

B. Waiver – The permit and the terms, conditions, and matters stated herein shall be deemed accepted if NUPAC fails to appeal as indicated below.

C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving NUPAC of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq*. (ARM 17.8.756).

D. Enforcement – Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement action as specified in Section 75-2-401, *et seq*., MCA.

E. Appeals – Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders it's decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The Department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board.

F. Permit Inspection – As required by ARM 17.8.755, Inspection of Permit, a copy the air quality permit shall be made available for inspection by the Department at the location of the source.

G. Permit Fee – Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by NUPAC may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.

PERMIT ANALYSIS
NUPAC, a division of Helena Sand & Gravel
Permit #1125-03

I. Introduction/Process Description

A. Permitted Equipment

NUPAC, a division of Helena Sand & Gravel (NUPAC) operates a stationary 1967 Stansteel #RM 5000 asphalt plant (maximum capacity 200 tons per hour (TPH)) with a Stansteel wet scrubber (installed in 1977), and associated equipment.

B. Process Description

A typical operation begins by loading aggregate into hoppers and then conveying it to the rotary dryer. The material is completely dried and conveyed to the pugmill where it is mixed with hot asphalt oil. A Stansteel scrubber is used to control particulate emissions from the pugmill. The asphalt mixture is then loaded into haul trucks from the pugmill and taken to the current project site.

C. Permit History

On August 30, 1977, NUPAC was issued Permit #**1125-00** for the operation of a stationary 1967 Stansteel #RM 5000 asphalt plant (maximum capacity 200 TPH), with a Stansteel wet scrubber (installed in 1977). The plant is located at 2355 Highway 93 North at the SW¼ of the NW¼ of Section 31, Township 29 North, Range 21 West, Flathead County, Montana. On September 9, 1993, a stipulation was finalized to keep the 1967 Stansteel asphalt plant in compliance with the particulate matter National Ambient Air Quality Standard (NAAQS) for a "moderate" PM_{10} non-attainment area, as the facility location was designated by Environmental Protection Agency (EPA).

On October 29, 2000, NUPAC was issued a permit that placed limits on the facility to keep the equipment's potential emissions below the Title V Operating Permit threshold. Permit #**1125-01** replaced Permit #1125-00.

The current action reflected an administrative change to Permit #1125-01. The Department of Environmental Quality (Department) dated the permit to correctly identify the annual production limit necessary for NUPAC to stay below the Department's modeling threshold. The production limitation was changed from 307,500 tons per year to 321,000 tons per year. Permit **#1125-02** replaced Permit #1125-01.

D. Current Permit Action

On March 3, 2004, the Department received a letter from Aspen Consulting & Engineering, Inc., on behalf of Pack and Company and NUPAC requesting the Department change the corporate name on Permit #1125-02 from Pack and Company to NUPAC. The current permitting action changes the name from Pack and Company to NUPAC and updates the permit to reflect current permit language and rule references used by the Department. Permit **#1125-03** replaces Permit #1125-01.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonably Available Control Technology (RACT) determinations, air quality impacts and environmental assessments, is included in the initial analysis associated with each change to the permit.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department. Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 – General Provisions, including but not limited to:

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct test, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.

3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq*., Montana Code Annotated (MCA).

   NUPAC shall comply with the requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.

5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means that, without resulting in reduction of the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

B. ARM 17.8, Subchapter 2 – Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Standard for PM_{10}

NUPAC must comply with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 – Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, NUPAC shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.

3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause, allow, or permit to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.

4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause, allow, or permit to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.

5. ARM 17.8.322 Sulfur Oxide Emissions—Sulfur in Fuel. Commencing July 1, 1971, no person shall burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions.

6. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). This facility is not an NSPS affected source because it does not meet the definition of any NSPS subpart defined in 40 CFR 60.

D. ARM 17.8, Subchapter 5 – Air Quality Permit Application, Operation and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. NUPAC was not required to submit an application fee for the current permit action because it is administrative.
2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee

must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit (excluding an open burning permit) issued by the Department. The air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that prorate the required fee amount.

E. ARM 17.8, Subchapter 7 – Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.743 Montana Air Quality Permits—When Required. This rule requires a person to obtain an air quality permit or permit alteration to construct, alter or use any asphalt plant, crusher or screen that has the Potential to Emit (PTE) greater than 15 tons per year of any pollutant. NUPAC has the potential to emit more than 15 tons per year of carbon monoxide (CO) and particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}) therefore, an air quality permit is required.

3. ARM 17.8.744 Montana Air Quality Permits—General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit program.

4. ARM 17.8.745 Montana Air Quality Permits—Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that do not require a permit under the Montana Air Quality Permit Program.

5. ARM 17.8.748 New or Modified Emitting Units—Permit Application Requirements. (1) This rule requires that a permit application be submitted prior to installation, alteration or use of a source. NUPAC was not required to submit a permit application for the current permit action because it was administrative.

6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.

7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to

install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT determination is included in Section III of this permit analysis.

8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.

9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving NUPAC of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq*.

10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.

11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.

12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).

13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.

14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8 – Prevention of Significant Deterioration of Air Quality,

including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.

2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

   This facility is not a major stationary source since it is not a listed source and the facility's PTE is less than 250 tons per year of any pollutant (excluding fugitive emissions).

G. ARM 17.8, Subchapter 12 – Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:

   a. PTE > 100 tons/year of any pollutant,

   b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule, or

   c. PTE > 70 tons/year of PM_{10} in a serious PM_{10} nonattainment area.

2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #1125-03 for NUPAC, the following conclusions were made:

   a. The facility's PTE is less than 100 tons/year for any pollutant.

   b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.

   c. This source is not located in a serious PM_{10} nonattainment area.

   d. This facility is not subject to any current NSPS.

   e. This facility is not subject to any current NESHAP standards.

   f. This source is not a Title IV affected source or a solid waste combustion unit.

   g. This source is not an EPA designated Title V source.

   Based on these facts, the Department has determined that NUPAC will be a

minor source of emissions as defined under Title V.

III. Best Available Control Technology Analysis

A BACT determination is required for any new or altered source. NUPAC shall install on the new or altered source the maximum air pollution control capability which is technically practicable and economically feasible, except that BACT shall be utilized. A BACT analysis is not required for this permit action because it is considered administrative.

IV. Emission Inventory

Source	tons/year					
	PM	**PM_{10}**	**NO_X**	**VOC**	**CO**	**SO_X**
1967 Asphalt Plant w/Wet Scrubber Control	45.79	36.63	4.01	2.73	54.57	0.80
Elevator, Screens, Bins, and Mixer	6.02	4.82				
Cold Aggregate Handling	8.03	6.42				
Asphalt Heater			4.82	4.17	8.99	0.53
Pile Forming	0.67	0.32				
Haul Roads	2.74	1.23				
Total Emissions	63.25	49.42	8.83	6.90	63.56	1.33

- A complete emission inventory for Permit #1125-03 is on file with the Department.

V. Existing Air Quality Impacts

On July 1, 1987, the EPA promulgated new NAAQS for particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}). Due to exceedances of the national standards for PM_{10}, the city of Kalispell and the nearby Evergreen area have been designated by EPA as nonattainment for PM_{10}. As a result of this designation, EPA required the Department of Health and Environmental Sciences and the Flathead City-County Health Department to submit the Kalispell PM_{10} State Implementation Plan (SIP) to EPA in November 1991. The SIP consisted of an emission control plan that controlled fugitive dust emissions from roads, parking lots, construction, and demolition, since technical studies determined these sources to be the major contributors of PM_{10} emissions.

Receptor modeling (a model that identifies contributions based on actual area and industrial emissions and ambient data) was originally used to demonstrate attainment of the federal PM_{10} standard in the SIP. The EPA is now requiring the Department to use a dispersion model (a model that incorporates allowable emission rates from facilities) to assure that attainment can still be demonstrated if individual sources are operating at their maximum allowable emission rates.

After an analysis, the Department determined that emission limitations applicable to the NUPAC facility were in some cases nonexistent (no permit required) or several times higher than actual emissions (ARM 17.8.310). Dispersion modeling conducted, using emissions from the NUPAC facility at its potential to emit (emissions associated with maximum design capacity or as limited by ARM 17.8.310), indicated that some emission points within the facility contributed significantly to the PM_{10} concentrations in the Kalispell non-attainment area. As used in the preceding sentence, the term "significantly" means that the PM_{10} emissions from NUPAC, when modeled, were greater than 5 micrograms per cubic meter impact for at least one receptor point within the Kalispell nonattainment area, consistent with the FCAA, implementing regulations found at 40 CFR Part 51, and pertinent EPA guidance.

In order to demonstrate compliance (through dispersion modeling) with the PM_{10} NAAQS in the

Kalispell nonattainment area, it was deemed necessary to reduce or establish new emission limitations for the NUPAC facility. The new emission limitations in this document, in conjunction with similar limitations on other Kalispell area facilities, demonstrated through dispersion modeling that compliance with the NAAQS for PM_{10} would be attained. The reductions in allowable emissions were enforced through a signed stipulation.

With the proper utilization of control equipment and application of reasonable control techniques (watering or application of dust suppressant) for haul road dust, the Department determined that the NUPAC facility could operate at maximum design rates and remain in compliance with the stipulated emission limitations.

This permit is for a stationary batch asphalt plant located at 2355 Highway 93 North at the SW¼ of the NW¼ of Section 31, Township 29 North, Range 21 West, Flathead County, Montana. The amount of controlled emissions generated by this project will not cause concentrations in the ambient air that exceed the set standard.

VI. Taking or Damaging Implication Analysis

As required by 2-10-101 through 2-10-105, MCA, the Department has conducted a private property takings and damaging assessment and has determined there are no taking or damaging implications.

VII. Environmental Assessment

An environmental assessment was not required for the current permit action because it is considered an administrative action, with no new or altered sources being addressed.

Analysis prepared by: Chris Ames
Date: March 8, 2004